Issuance Date: March 18, 2004
Effective Date: July 1, 2004
Expiration Date: June 30, 2009
Modification Date: May 4, 2004

# NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
# WASTE DISCHARGE PERMIT

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-8711

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

**Pioneer Americas, L.L.C.**
**605 Alexander Avenue**
**Tacoma, Washington 98421-4209**

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Facility Location:

Tacoma, Washington

Receiving Water:

Hylebos Waterway
Water Quality Class B

Water Body I.D. No.:

WA-10-0020

Discharge Location:

Latitude: 47° 16' 48" N
Longitude: 122° 24' 11 " W

Industry Type:

Inorganic Chemicals Manufacturing
Chlor-alkali

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is authorized to discharge in accordance with
the special and general conditions which follow.

Kelly Susewind, P.E., P.G.
Southwest Region Manager
Water Quality Program

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SUMMARY OF SCHEDULED PERMIT REPORT SUBMITTALS

| Permit Section | Submittal | Frequency | First Submittal Date |
|---|---|---|---|
| S3. | Discharge Monitoring Report | Monthly<br>Bimonthly<br>Quarterly<br>Yearly | August 15, 2004<br>September 15, 2004<br>October 15, 2004<br>September 15, 2005 |
| S3.I.3 | Notice of Change in Authorization | As necessary | Either prior to or along with any submittal following change in authorization |
| S4.C. | Solid Waste Control Plan | Updates submitted as necessary | Within 30 days of modification of the plan |
| S5. | Acute Toxicity | 2/permit cycle | December 31, 2007 |
| S5. | Chronic Toxicity | 2/permit cycle | December 31, 2007 |
| S7. | Outfall Evaluation | 1/permit cycle | To be submitted with application for permit renewal, January 2, 2009 |
| S8. | Treatment System Operating Plan | Updates submitted as necessary | Within 30 days of modification of the plan |
| S9. | Spill Plan | Updates submitted as necessary | Within 30 days of modification of the plan |
| S10. | Stormwater Pollution Prevention Plan | Updates submitted as necessary | 30 days prior to implementation of the changes |
| G17. | Application for permit renewal | 1/permit cycle | January 2, 2009 |

SPECIAL CONDITIONS

## S1. EFFLUENT LIMITATIONS

Outfall 002

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge process wastewater, cooling water, storm water, and remediated groundwater at the permitted location subject to meeting the following limitations:

| | **EFFLUENT LIMITATIONS: OUTFALL # 002** | |
|---|---|---|
| **Parameter** | **Average Monthly[a]** | **Maximum Daily[b]** |
| Flow (gallons/day) | N/A | 24,500,000 |
| Temperature[c] (°C) | N/A | 32.0[d], 24.0[e] |
| Copper[f] (µg/l) | N/A | 7[g] |
| Nickel[f] (µg/l) | 9[g] | 13[g] |
| TSS[h](lbs/day) | 365 | 720 |
| Total Residual Chlorine (µg/l) | 12 | 35[i] |
| pH[j],[k],[l] (S.U.) | ********** 6.0 to 9.0 ********** | |
| There shall be no discharge of floating solids or visible foam in other than trace amounts. | | |
| Sanitary waste shall be discharged to the City of Tacoma sanitary sewer system. | | |

Groundwater Treatment System Effluent

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge remediated groundwater to outfall 002 or to underground injection, subject to the following limitations prior to mixing with any other waste streams:

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[a]The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

[b]The maximum daily effluent limitation is defined as the highest allowable daily discharge.

[c]Excursions above either limit shall not be considered violations, provided total excursions do not exceed 15 minutes in any 6 hour period, and an instantaneous maximum of 34.5 °C is not exceeded.

[d]When the most recently measured receiving water is less than 18.5 °C.

[e]When the most recently measured receiving water temperature is 18.5 °C or greater.

[f]Measured as total recoverable metals.

[g] The Permittee shall not be considered in violation of the permit if it can be demonstrated that the effluent concentration is less than or equal to the intake concentration, taking into account the precision of the analyses.

[h] Limitation is based on the net value (i.e. Discharge - Intake).

[i] The maximum of the four designated grab samples collected during the given day.

[j] The total time during which the pH values are outside the range of 6.0 to 9.0 shall not exceed one percent of the operating month.

[k] Individual excursions outside the range of 6.0 to 9.0 and within the range of 3.5 to 10.5 shall not exceed 60 minutes. Any excursion below 3.5 or above 10.5 shall be considered a permit violation.

[l] An excursion is defined as an unintentional and temporary incident in which the pH value of the discharge wastewater exceeds the range of 6.0 to 9.0.

| **EFFLUENT LIMITATIONS: GROUNDWATER TREATMENT SYSTEM EFFLUENT** | |
|---|---|
| **Parameter** | **Maximum Daily** (µg/l)[a] |
| Chloroform | 75 |
| Carbon Tetrachloride | 10 |
| 1,1-Dichloroethylene | 5 |
| 1,1,2,2-Tetrachloroethane | 180 |
| Tetrachloroethylene | 50 |
| 1,1,2-Trichloroethane | 5 |
| Trichloroethylene | 440 |
| Methylene Chloride | 185 |

Mixing Zone Description

The maximum boundaries of the mixing zone are defined as follows:

MIXING ZONE FOR PROCESS WATER OUTFALL No. 002

1. In the vertical plane, from the receiving water surface to the bottom.
2. In the horizontal plane, 200 feet from each diffuser port.

The acute dilution factor is estimated to be 4 and the chronic dilution factor 15, based on an effluent mixing study conducted by the Permittee in August 1993.

[a]The maximum daily effluent limitation is defined as the highest allowable daily discharge.

## S2. TESTING SCHEDULE

A. Outfall 002

The Permittee shall monitor the wastewater according to the following schedule:

| Tests | Sample Point | Minimum Sampling Frequency | Sample Type |
|---|---|---|---|
| Flow, gpd | Outfall Mixing Box<br>Sea Water Intake<br>City Water Intake | Daily<br>Daily<br>Weekly | Water Intake Pump Flow<br>Totalizer<br>Totalizer |
| Temperature, °C | Outfall Mixing Box<br>Receiving Water[a] | Continuous<br>Continuous | Recording Meter<br>Recording Meter |
| Copper, µg/l | Outfall Mixing Box<br>Sea Water Intake | 1/month<br>1/month | 24-hr Composite[b]<br>24-hr Composite |
| Nickel, µg/l | Outfall Mixing Box<br>Sea Water Intake | 1/month<br>1/month | 24-hr Composite[c]<br>24-hr Composite |
| Lead, µg/l | Outfall Mixing Box<br>Sea Water Intake | 1/month<br>1/month | 24-hr Composite[c]<br>24-hr Composite |
| TSS, lbs/day | Outfall Mixing Box<br>Sea Water Intake | 1/year (in August)<br>1/year (in August) | 24-hr Composite[c]<br>24-hr Composite |
| Total Residual Chlorine, µg/l | Outfall Mixing Box | 4/day[c] | Grab |
| pH, s.u. | Outfall Mixing Box | Continuous | Recording Meter |

[a]The receiving water temperature shall be measured continuously in the sea water intake pipe, and the high temperature for each day shall be reported.
[b]24-Hour composite is defined as a 24-hour flow- or time-proportional sample, whichever is more representative of the discharge.
[c]The four grab samples will be collected at or about the following designated times every day: 03:00, 08:00, 13:00, and 21:00. If, despite its good faith effort, the Permittee fails to collect a grab sample at one of the designated times, the Permittee may collect a make-up sample at or about 23:00 for use in reporting compliance with TRC limitations. The Permittee shall explain in the next DMR the circumstances necessitating the collecting of all make-up samples, if any.

B. Groundwater Treatment System Effluent

The Permittee shall monitor all parameters limited under Condition S1.B in the groundwater treatment system effluent with grab samples taken once every two months except flow, which shall be monitored and recorded on a daily basis. The groundwater monitoring results shall be submitted to the Department of Ecology (the Department) once every two months.

## S3. MONITORING AND REPORTING

The Permittee shall monitor and report in accordance with the following conditions.

A. Reporting

Monitoring results obtained during the previous monitoring period shall be summarized and reported on a form provided, or otherwise approved, by the Department of Ecology to be postmarked or received no later than the 15th day of the month following the completed reporting period, unless otherwise specified in this permit. The report(s) shall be sent to the Industrial Unit Permit Coordinator, Department of Ecology, Southwest Regional Office – Water Quality, P.O. Box 47775, Olympia, Washington 98504-7775. Monitoring shall be started on the effective date of the permit and the first report is due on the 15th day of the following month. Monitoring results obtained during the month shall be summarized on the Discharge Monitoring Report (DMR) Form (EPA 3320-1) and submitted no later than the 15th day of the following month.

With each DMR shall be a statement that provides the following information on effluent pH:

1. Percent (%) Compliance: _____.
2. Number of excursions below 6.0 or above 9.0 exceeding 60 minutes: ____.
3. Number of excursions below 3.5 or above 10.5: _____.
4. Explanation of Permit Violations.

With each DMR shall be a statement that provides the following information on each temperature excursion:

1. Date: _____.
2. Length of excursion: _____.
3. Length of time since last excursion (if less than 6 hours): _____.
4. Last receiving water temperature: _____.
5. Maximum temperature during excursion: _____.

Production of chlorine in pounds/day monthly average shall be reported on each month's DMR.

B. Records Retention

The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years. This period of retention shall be

extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Representative Sampling

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

E. Test Procedures

All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants contained in 40 CFR Part 136, unless otherwise specified in this permit or approved in writing by the Department.

F. Flow Measurement

Flow shall be measured by intake pump operation  Sea water intake flow shall be measured with existing flow meters.

G. Laboratory Accreditation

All monitoring data, except for flow, temperature, settleable solids, conductivity, pH, and internal process control parameters, shall be prepared by a laboratory registered or accredited under the provisions of, Accreditation of Environmental Laboratories, Chapter 173-50 WAC. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited.  Soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

H. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit (S2.) using test procedures specified by Condition S3.E. of this permit, then the results of this monitoring shall be included in calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

I. Signatory Requirements

All applications, reports, or information submitted to the Department shall be signed and certified.

1. All permit applications shall be signed by either a principal executive officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

2. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

   a. The authorization is made in writing by a person described above and submitted to the Department, and

   b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph I.2.b is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of I.2.b must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

   "I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations."

## S4. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in accordance with the existing solid waste disposal plan to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department within 30 days of modification or revision. The Permittee shall comply with any plan modifications.

## S5. ACUTE TOXICITY

A. Testing Requirements

The Permittee shall test final effluent once in the summer of 2007 and once in the winter of 2006-2007 prior to submission of the application for permit renewal. The two species listed below shall be used on each sample and the results submitted to the Department by December 31, 2007. The acute toxicity testing shall determine an $LC_{50}$ and an NOEC. The percent survival in 100 percent effluent shall also be reported.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Topsmelt, *Atherinops affinis* (96 hour static-renewal test, method: EPA/600/4-90/027F).

2. `Mysid shrimp, *Mysidopsis bahia* (48 hour static test, method: EPA/600/4-90/027F).

B. Sampling and Reporting Requirements

1. All reports for whole effluent toxicity tests shall be submitted in accordance with the most recent Department specifications regarding format and content. Reports shall contain bench sheets and reference toxicant results for test methods. The effluent and reference toxicant test results shall also be submitted as electronic files on floppy disks in the Toxicity Standardized Electronic Reporting Format (TSERF).
2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 °C while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. Permittees that potentially have ammonia and/or chlorine in the effluent shall measure total ammonia and/or chlorine from a sample collected for toxicity testing. All samples taken for toxicity testing shall have pH, total alkalinity, total hardness, dissolved oxygen, and conductivity or salinity measured prior to test initiation.

5. All toxicity tests shall meet quality assurance criteria in the EPA manual listed in subsection A., or in its update. If test results are determined to be invalid or anomalous



by the Department, testing shall be repeated with freshly collected effluent. If control performance does not meet protocol standards for acceptability, the test shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water or pristine natural water meeting the requirements of the EPA manual listed in subsection A. Dilution water for toxicity testing shall be of sufficient quality for good control performance.

6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control.

8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

9. Acids and bases shall not be added to samples or test solutions unless pH is outside of the range 6.0 to 9.0. Control of unionized ammonia toxicity due to pH rise shall only be accomplished by holding test chambers in a $CO_2$ atmosphere.

## S6. CHRONIC TOXICITY

A. Testing Requirements

The Permittee shall test final effluent once in the summer of 2007 and once in the winter of 2006-2007 prior to submission of the application for permit renewal. All of the chronic toxicity tests listed below shall be conducted on each sample. The results of this chronic toxicity testing shall be submitted to the Department by December 31, 2007.

The Permittee shall conduct chronic toxicity testing on serial dilutions of effluent in order to determine the $IC_{50}$ or $EC_{50}$. This series of dilutions shall include the acute critical effluent concentration (ACEC). The ACEC equals 25 percent effluent. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following species and the most recent version of the following protocols:

| Saltwater Chronic Toxicity Test Species | | Method |
|---|---|---|
| Topsmelt | *Atherinops affinis* | EPA/600/4-87/028 |
| Mysid shrimp | *Mysidopsis bahia* | EPA/600/4-87/028 |

B. Sampling and Reporting Requirements

1. All reports for whole effluent toxicity testing shall be submitted in accordance with the most recent Department specifications regarding format and content. Reports shall contain



bench sheets and reference toxicant results for test methods. The effluent and reference toxicant test results shall also be submitted as electronic files on floppy disks in the Toxicity Standardized Electronic Reporting Format (TSERF).

2. Testing shall be conducted on 24-hour composite effluent samples. Samples taken for toxicity testing shall be cooled to 4 °C while being collected and shall be sent to the lab immediately upon completion. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended.

3. Permittees that potentially have ammonia and/or chlorine in the effluent shall measure total ammonia and/or chlorine from a sample collected for toxicity testing. All samples taken for toxicity testing shall have pH, total alkalinity, total hardness, dissolved oxygen, and conductivity or salinity measured prior to test initiation.

4. All toxicity tests shall meet quality assurance criteria in the EPA manual listed in subsection A., or in its update. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent. If control performance does not meet protocol standards for acceptability, the test shall be repeated with freshly collected effluent.

5. Control water and dilution water shall be laboratory water or pristine natural water meeting the requirements of the EPA manual listed in subsection A. Dilution water for toxicity testing shall be of sufficient quality for good control performance.

6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.

7. The Permittee may choose to conduct a full dilution series test in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC. The ACEC may either substitute for the effluent concentration that is closest to it in the dilution series or be an extra effluent concentration.

8. All whole effluent toxicity tests that involve hypothesis testing and do not comply with the chronic statistical power standard of 39 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

9. Acids and bases shall not be added to samples or test solutions unless pH is outside of the range 6.0 to 9.0. Control of unionized ammonia toxicity due to pH rise shall only be accomplished by holding test chambers in a $CO_2$ atmosphere.

## S7. OUTFALL EVALUATION

The Permittee shall inspect, once per permit cycle, the submerged portion of the outfall line and diffuser to document its integrity and continued function. If conditions allow for a photographic verification, it shall be included in the report. The inspection report shall be submitted to the Department along with application for permit renewal.

## S8. TREATMENT SYSTEM OPERATING PLAN

Wastewater treatment systems shall be operated according to procedures and criteria described in the current approved operating plan.

The existing plan shall be updated, as needed. The updated plan shall be submitted for the depart review and approval within 30 days of an update.

The plan shall include, but is not limited to, the following:

A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of S1. at the production levels used in developing these limitations.

In the event of production levels which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.

A description of any regularly scheduled maintenance or repair activities at the permitted facilities which would affect the volume or character of the wastes discharged; a list including quantities and chemical compositions of any maintenance-related substances (such as cleaners, degreasers, solvents, etc.) that will be discharged, and a plan for monitoring and treating/controlling the discharge of maintenance-related materials.

## S9. SPILL PLAN

The Permittee shall follow the existing Spill Control Plan for the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching state waters. The Permittee shall review the spill plan at least annually and update the Spill Plan, as needed. Changes to the plan shall be sent to the Department within 30 days of modification or update. The Permittee shall comply with any plan modifications.

The Permittee shall continue to implement the existing recommended actions contained in the Spill Containment Study Report, dated June 9, 1994. The Permittee shall notify the Department when all the recommended actions have been completed.

## S10. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

A. Objectives

The Permittee's stormwater collection system consists of approximately 70 catch basins that discharge into the Permittee's permitted process wastewater outfall. Consequently, the Permittee's stormwater runoff is currently subject to the same effluent limitations and monitoring requirements as the Permittee's process wastewater. Thus the objectives of the Stormwater Pollution Prevention Plan (SWPPP) are as follows:

1. To eliminate the discharges of unpermitted process wastewater to stormwater conveyances.
2. To implement Best Management Practices (BMPs) to identify, reduce, eliminate, and prevent the pollution of stormwater.
3. To prevent violations of surface water, ground water, or sediment management standards.

The Permittee shall implement all the elements of the SWPPP including operational, treatment and source control BMPs, as well as erosion and sediment control BMPs determined necessary.

B. General Requirements

1. Submission, Retention and Availability:

   The Permittee shall retain a copy of its SWPPP on-site or within reasonable access to the site and make it available to Ecology on request.

2. Modifications:

   The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless the Department approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit.
4. The Permittee shall keep current the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:

   a. Assessment and description of existing and potential pollutant sources;

   b. A description of the operational BMPs;

   c. A description of selected source-control BMPs;

   d. When necessary, a description of the erosion and sediment control BMPs;

   e. When necessary, a description of the treatment BMPs; and

   f. An implementation schedule.

C. <u>Implementation</u>

The Permittee shall conduct two inspections per year; one during the wet season (October 1 - April 30) and the other during the dry season (May 1 - September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit is accurate; the site map as required

in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet-weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).

2. The dry season inspection shall be conducted by personnel named in the SWPPP. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

D. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and a certification, in accordance with Condition S3.I., that the facility is in compliance with the plan and this permit and identifying any incidents of noncompliance.

**S11. Curtailed Operations**

On February 25, 2002, Pioneer Americas LLC curtailed operations at the site. The company ceased production of chlorine, caustic (sodium hydroxide), and hydrochloric acid, but plans to continue producing calcium chloride. The company will also use the site as a transfer facility for calcium chloride, hydrochloric acid and sodium hydroxide.

Beginning on May 1, 2002, the requirements of this section shall apply during curtailed operations and modify requirements contained in Section 2.A, until terminated under Paragraph 7, below. The requirements of this section shall not apply while the discharger is producing chlorine, caustic (sodium hydroxide), or hydrochloric acid.

A. Stormwater Discharges from Process Areas

Pioneer will divert these discharges to temporary storage for sampling. Pioneer will not discharge this process wastewater until sampling confirms the water meets permit requirements for pH. Pioneer will monitor intake flow from pumping duration and will report on a monthly basis the volume of discharged process wastewater.

B. Temperature

Pioneer will monitor receiving water and combined effluent temperature monthly.

C. Metals

Pioneer shall sample and analyze the combined discharge for copper, lead and nickel on a quarterly basis (sample on the first working day of August, November, February, and May).

D. TSS

The requirement of Section S2.A.for annual monitoring is retained.

E. Chlorine Monitoring

Pioneer need not monitor for chlorine during curtailed operations.

F. pH Monitoring and Adjustment

Pioneer may discontinue pH adjustment of the combined process wastewater/groundwater effluent provided that:

a. Pioneer complies with Item 1 above on stormwater discharges from process areas.
b. Pioneer keeps in service its continuous pH monitoring station for combined process wastewater/groundwater flows.
c. Pioneer keeps in service its alkalinity adjustment/pH buffering station for the combined discharge.
d. The combined discharge remains within the permit limit for pH (6 to 9).

G. Termination

A. Termination by the Discharger

This discharger will notify the Department by certified mail 30-days prior to resuming the production of chlorine, caustic, or hydrochloric acid at the site. The notification shall state the date that the discharger plans to resume production (start-up date). The requirements of this Section 11 shall terminate on the start-up date specified in the discharger's notice.

B. Termination by the Department

The requirements of this section shall terminate upon written notice from the Department.

## GENERAL CONDITIONS

### G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any pollutant more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

### G2. PROPER OPERATION AND MAINTENANCE

The Permittee shall at all times properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control.

### G3. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### G4. NONCOMPLIANCE NOTIFICATION

If for any reason, the Permittee does not comply with, or will be unable to comply with any of the discharge limitations or other conditions specified in the permit, the Permittee shall, at a minimum, provide the Department with the following information:

A. A description of the nature and cause of noncompliance, including the quantity and quality of any unauthorized waste discharges;

B. The period of noncompliance, including exact dates and times and/or the anticipated time when the Permittee will return to compliance; and

C. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance.

In addition, the Permittee shall take immediate action to stop, contain, and clean up any unauthorized discharges and take all reasonable steps to minimize any adverse impacts to waters of the state and correct the problem. The Permittee shall notify the Department by telephone so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken to determine if additional action should be taken.

In the case of any discharge subject to any applicable toxic pollutant effluent standard under Section 307(a) of the Clean Water Act, or which could constitute a threat to human health, welfare, or the environment, 40 CFR Part 122 requires that the information specified in Sections G4.A., G4.B., and G4.C., above, shall be provided not later than 24 hours from the time the Permittee becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within five days of the time the Permittee becomes aware of the circumstances, unless the Department waives or extends this requirement on a case-by-case basis.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the conditions of this permit or the resulting liability for failure to comply.

G5. BYPASS PROHIBITED

The intentional bypass of wastes from all or any portion of a treatment works is prohibited unless the following four conditions are met:

A. Bypass is: (1) unavoidable to prevent loss of life, personal injury, or severe property damage; or (2) necessary to perform construction or maintenance-related activities essential to meet the requirements of the Clean Water Act and authorized by administrative order;

B. There are no feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, maintenance during normal periods of equipment down time, or temporary reduction or termination of production;

C. The Permittee submits notice of an unanticipated bypass to the Department in accordance with Condition G4. Where the Permittee knows or should have known in advance of the need for a bypass, this prior notification shall be submitted for approval to the Department, if possible, at least 30 days before the date of bypass (or longer if specified in the special conditions);

D. The bypass is allowed under conditions determined to be necessary by the Department to minimize any adverse effects. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

After consideration of the factors above and the adverse effects of the proposed bypass, the Department will approve or deny the request. Approval of a request to bypass will be by administrative order under RCW 90.48.120.

G6. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;

B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;

C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;

D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and

E. To sample at reasonable times any discharge of pollutants.

G7. PERMIT MODIFICATIONS

The Permittee shall submit a new application or supplement to the previous application where facility expansions, production increases, or process modifications will (1) result in new or substantially increased discharges of pollutants or a change in the nature of the discharge of pollutants, or (2) violate the terms and conditions of this permit.

G8. PERMIT MODIFIED OR REVOKED

After notice and opportunity for public hearing, this permit may be modified, terminated, or revoked during its term for cause including, but not limited to, the following:

A. Violation of any terms or conditions of the permit;

B. Failure of the Permittee to disclose fully all relevant facts or misrepresentations of any relevant facts by the Permittee during the permit issuance process;

C. A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge controlled by the permit;

D. Information indicating that the permitted discharge poses a threat to human health or welfare;

E. A change in ownership or control of the source; or

F. Other causes listed in 40 CFR 122.62 and 122.64.

Permit modification, revocation and reissuance, or termination may be initiated by the Department or requested by any interested person.

G9. REPORTING A CAUSE FOR MODIFICATION

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation and reissuance under Condition G8. or 40 CFR 122.62 must report such plans, or such information, to the Department so that a decision can be made on whether action to modify or revoke and reissue a permit will be required. The Department may then require submission of a new application. Submission of such application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G10. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G11. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, detailed plans shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Facilities shall be constructed and operated in accordance with the approved plan.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G14. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G15. REVOCATION FOR NONPAYMENT OF FEES

The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G16. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G17. DUTY TO REAPPLY

The Permittee must reapply for permit renewal at least 180 days prior to the specified expiration date of this permit.